

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARTHUR J. BREWER,

Case No. 2:20-cv-00991-KJD-EJY

Petitioner,

v.

ORDERWARDEN CALVIN JOHNSON, *et al.*,

Respondents.

Petitioner Arthur J. Brewer, a *pro se* Nevada prisoner, initiated this habeas action by filing an Application to Proceed *In Forma Pauperis* (ECF No. 1), Petition for Writ of Habeas Corpus (ECF No. 1-1), and Motion for Appointment of Counsel (ECF No. 1-2).

Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. Indigent prisoners who do not have the money to pay the \$5.00 filing fee for a habeas petition may request permission to proceed *in forma pauperis* (“IFP”). A prisoner’s IFP application must be submitted on the form provided by the court and include specific financial documents: (1) a financial certificate signed by an authorized officer of the institution in which he or she is incarcerated, (2) a copy of his or her inmate trust account statement for the six-month period prior to filing, and (3) a signed financial affidavit showing an inability to prepay fees and costs or give security for them. 28 U.S.C. § 1915; LSR 1-1, LSR 1-2.

Here, Brewer submitted the required affidavit, but he did not include a financial certificate signed by an authorized prison official or a copy of his inmate trust account statement. Thus, his IFP application is incomplete. Although he may qualify to proceed IFP, the Court is unable to make such determination without all of the required documents. Brewer’s IFP application is therefore denied without prejudice and he will have approximately 45 days from the date of this order to either pay the \$5.00 filing fee or submit a complete IFP application with all required attachments.

IT THEREFORE IS ORDERED:

1. Petitioner Arthur J. Brewer's Application to Proceed *In Forma Pauperis* (ECF No. 1) is DENIED WITHOUT PREJUDICE.
2. The initial screening of Brewer's Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases and consideration of his Motion for Appointment of Counsel (ECF No. 1-2) are deferred until such time as he has fully complied with this order.
3. The Clerk of Court is instructed to MAIL Brewer a blank IFP application for incarcerated litigants with instructions for completing the form.
4. Brewer must file a complete IFP application by **July 24, 2020**, and must include: (i) a financial certificate signed by *an authorized prison official* and Brewer, (ii) a financial affidavit and acknowledgement signed by Brewer, and (iii) a statement of his inmate trust account for the six-month period prior to filing.
5. Alternatively, Brewer must pay the \$5.00 filing fee by **July 24, 2020**.
6. Brewer's failure to comply with this order by (a) submitting an IFP application, or (b) paying the \$5.00 filing fee before the **July 24, 2020** deadline will result in the dismissal of this action without prejudice and without further advance notice.

DATED this ¹⁰ day of June 2020.



KENT J. DAWSON
UNITED STATES DISTRICT JUDGE